



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,509	12/05/2001	Nelson Douglas Pitlor	PITLP101USA	2338

7590

02/09/2006

Warren A. Sklar
Renner, Otto, Boisselle & Sklar, LLP
1621 Euclid Avenue, 19th Floor
Cleveland, OH 44115-2191

EXAMINER

EPPS, TODD MICHAEL

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,509	PITLOR, NELSON DOUGLAS	
	Examiner	Art Unit	
	Todd M. Epps	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 22-26, 28-67, 77-84, 89-91 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 and 16-18 is/are allowed.
- 6) ☒ Claim(s) 6, 11-15, 19-21, 27, 68-76 and 85-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the fifth Office Action **final** for serial number 10/007,509, Remotely Attachable And Separable Coupling, filed on December 5, 2001.

Claim Objections

Claim 69 is objected because it contains the trademark/trade name VELCRO. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe VELCRO, and this should be changed to define the generic concept.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 11-15, 19-21, 27, 68, 69, and 85-88 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,074,341 to Niederost.

Niederost '341 discloses a fixture mounting structure comprising a base (A'), a cover (B'), a magnetic device (12, 15 and a mechanical retainer (1, 2); the base is mountable securely to a support; the cover is attachable to the base; the magnetic device to support the cover from the base to hold the cover and base together; the selectively operable mechanical retainer is to provide retention of the cover to the base, wherein the selectively operable mechanical retainer is

Art Unit: 3632

cooperatively related to the base and the cover to hold together the base and cover in an event that the magnetic device is intentionally or unintentionally releases; the selectively operable mechanical retainer comprises a clip or latch (1, 2) and a retention member or receiving slot or holder (1, 2); the clip is mounted to the cover and the retention member is mounted to the base; the clip is housed within a clip holder; the clip is retractable within the clip holder by the application of a retracting tool (C); the electrical connection provides for a signal coupling between the cover and the base (col. 3, lines 6+); an elongated member is a pole to apply force to uncouple the magnetic device.

Regarding claims 68, and 69, Niederost '341 teaches a fixture mounting structure comprising a base (A'), a mounting member (B'), a multi-retention mechanism including at least one mechanical attachment (1, 2) and a second attachment (12, 15); the base is attachable to a support, the mounting member is selectively attachable to the base and removable from the base; the multi-retention mechanism holds the base and the mounting member together; the multi-retention mechanism includes at least one mechanical attachment (1, 2) and a second attachment (12, 15); at least one mechanical attachment is selectively operable to release and hold and operates using a positive lock; the second attachment is selectively operable to release and hold and operates responsive to a positional relationship, wherein the second attachment includes a magnet and magnetically responsive plate.

Regarding claims 85-88, the method is inherent to the structural limitation set forth in the claims.

Claims 70-76 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,181,251 B1 to Kelly.

Kelly '251 discloses a mounting system comprising a base (33), a mounting member (30B) and a multi-retention mechanism (35, 36); the base (33) is attachable to a support (37); the mounting member (30B) is selectively attachable to the base and removable from the base; the multi-retention mechanism holds the base and the mounting member together; the multi-retention mechanism includes at least one mechanical attachment (35, 36) and a second attachment (35, 36); the mechanical attachment selectively operates to release and hold and operated using a positive lock; the second attachment (35, 36) is selectively operable independently from the at least one mechanical attachment to release, hold and operates responsive to a positional relationship to support the mounting member from the base, wherein a device (30A) is attached to the mounting member; the device is a smoke detector and is externally powered by battery; and the device is a light fixture (64) that is battery powered externally (see fig. 3).

Allowable Subject Matter

Claims 7-10, and 16-18 are allowed.

Regarding claim 7, the prior art fails to teach a fixture mounting structure in combination with a base, a cover, a magnetic device, mechanical retainer,

Art Unit: 3632

wherein a mechanical retainer comprises a clip and a retention member, and wherein a retention member is a retaining ring.

Regarding claim 16, the prior art fails to teach a fixture mounting structure in combination with a base, a cover, a magnetic device, mechanical retainer, wherein a base further includes an electrical connection with respect to the cover, wherein the cover further comprises a means to couple electrical power from the base to the cover, and wherein the means for coupling the electrical power from the base to the cover comprises a fixed terminal and a conductive ring.

Response to Arguments

Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Kelly '251 does not disclose wherein locking arms do not operate independently. The Examiner clearly disagrees. With reference to the office action above, the applicant will see that the locking arm is enabled to operate independently as claimed. The base with one locking arm is able to hold the mounting member independently (see fig. 1).

In response to applicant's argument that the plug of Niederost '341 is to prevent rotation of the housings, not intended to support the housing (6) from the housing (3). The Examiner clearly can see that the plug is to prevent rotation of the housings. However, the plug with a spring (see fig. 1a) has the ability to function as to support the housing (6) from the housing (3).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
January 31, 2006

 2/6/06
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800